In the High Court of Judicature at Madras

Dated: 03.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.4636 of 2006
and WPMP.No.5008 of 2006 & WVMP.No.2070 of 2006

1.Mrs. M. Jayajothi
2.Mrs. R. Jayaboopathy
(petitioners are rep. By their
Power Agent R. Nagarajan) ..Petitioners

..vs..

The Commissioner
Ambattur Municipality
Ambattur, Chennai 600 053. ..Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari as stated therein calling for the records in UAC.27/2006/91/F/F2 dated 16.1.2006 on the file of the respondent and quash the same.

For Petitioners : Mr. V. Chandrakanthan

For Respondent : Mrs. G. Devi

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Aggrieved by the proceedings of the Commissioner, Ambattur Municipality dated 16.01.2006, the petitioners have filed the above writ petition to quash the same on various grounds.

2. Heard the learned counsel for the petitioners as well as respondent.

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3. During the course of hearing learned counsel for the respondent Municipality by taking us through the documents filed in the form of typed set of papers submitted that the Municipality is mainly concerned with the encroachment made by the petitioners and also submitted that the Municipality is empowered to take action against the petitioners for violation of the approved plan.

4. The learned counsel appearing for the petitioners submitted that in respect of alleged deviations, they made a representation to the Chennai Metropolitan Development Authority (in short, "CMDA") and also paid necessary charges for regularisation. According to the counsel, the same is pending with CMDA and it is for the petitioners to pursue the same. We are not expressing anything on the application made by the petitioners for regularisation and the orders to be passed by CMDA.

5. In so far as the encroachment, in view of the fact that the present impugned proceeding is not clear, we permit the respondent Municipality to issue fresh notice mentioning the details of encroachment and proceed further in accordance with law.

With the above observation, the writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

To
The Commissioner
Ambattur Municipality
Ambattur, Chennai 600 053.

+ 1 CC To Mr. V.Chandrakanthan,dvocate SR NO.299

+ 1 CC To Mr. V.Raghupathi, Advocate SR NO. 976

Writ Petition No.4636/06

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